

**Town of Foxborough
Conservation Commission Minutes
June 17, 2013**

Members Present: Robert Boette (Chair), Allan Curtis (Vice Chair), Eric Nelson (Clerk), Judith Johnson and Valerie Marshall

Members Absent: Douglas Davis, James Marsh

Staff Present: Jane Sears Pierce, Conservation Manager, and Lee Ann Tavares, Secretary

Others Present: See attached sign-in sheet

Meeting Opened

Bob Boette opened the meeting, held in the Andrew A. Gala Jr. Meeting Room, at 7:00 p.m.

23 Perry Drive, Request for Determination

Information Reviewed: RFD received 5/28/13

Bob opened the hearing by reading the legal notice, as posted in the Foxboro Reporter and Sun Chronicle.

Applicant, John Reardon, and his representative, Rich Merrikin (Merrikin Engineering), were present. Mr. Merrikin reviewed the proposed project, including the removal and replacement of an existing paved driveway. The site's building, constructed 40 years ago, has a parking lot that is adjacent to a vegetated ditch that runs from Panas Road. Since there aren't any catch basins on the property, stormwater runs across the parking lot and discharges directly into the ditch. They plan to replace the deteriorated pavement on the side along Panas Road. They will be taking out 8" to 12" of gravel and pavement. Excavated materials will be hauled away to be disposed of properly.

This site's previous filing, DEP #157-286, was for the remediation of gasoline contaminated soils under MGL C. 21E and the MCP. The underground tanks and contaminated soils have been removed and a test well, located at the edge of the septic system, is periodically tested and monitored. Judi noted concern about proper disposal of the excavated materials and wanted to ensure that sediment controls were installed around the ditch.

Motion was made by Judi Johnson to issue a Negative Determination (#3 and 6) for the RFD at 23 Perry Drive; seconded by Valerie Marshall. **Vote: 5:0:0**

92 East Belcher Road, Possible Violation; Continued Discussion

Roger Hill, DPW Director, was present to discuss the possible violations at 92 East Belcher Road, owned by the Hannons. Mr. Hill explained that last year Mr. Hannon had complained about the culvert that was washing out his property, so he researched the roadway culvert's history. The culvert had been dumping water onto the property without an easement and washed out their side yard. Mr. Hill explained that the culvert, built sometime after 1972, was not installed by the town. He believed that the contractor who constructed the properties across the street had installed it.

The 1941 USGS topo quad shows a stream that ran down the west side of East Belcher Road. Mr. Hill believed that the culvert could be removed to put the intermittent stream back on the west side of the road. The DPW is currently working on plans to redo East Belcher Road and will be filing a Notice of Intent for the work. They want to sever the pipe across the road and replicate the stream's discharge to the swamp as it had before the culvert went in, but will need the landowner's (Shriners) permission to discharge onto their property. Val opined that if the brook hadn't flowed in that way (down the west side of the road) in a long time, she was concerned that the topography could have changed since then. Bob wondered, since the situation was there when the Hannons bought the property, whether there may not be a legal obligation to repair the flooding issues.

Mr. Hill, who knew the owner of the buildings across the street, said that he would take a look at the property and if it doesn't meet site plan approval, he'll have him address any flooding issues that they might have caused.

Mr. Hill may be requesting an Emergency Certification to do the required work. Judi stated that until the emergency work is done, the ditch across the Hannon's side yard needs to be re-established until the vegetation has regrown. Ever since Mr. Hannon filled in the ditch, stormwater has been sheet flowing across his side yard, which is not yet vegetated.

Planning Board Meeting, MAPC Priority Preservation Map

Judi and Val reported that they attended the Planning Board's meeting on behalf of the Commission to discuss their property priorities. Jane was asked to visit the town's Garrett Spillane Road property to certify the vernal pools and determine whether they contained rare species.

March 11, 2013 Minutes

Motion was made by Eric Nelson to accept the March 11, 2013 meeting minutes as amended; seconded by Valerie Marshall. **Vote: 5-0-0.**

March 18, 2013 Minutes

Motion was made by Eric Nelson to accept the March 18, 2013 meeting minutes as amended; seconded by Valerie Marshall. **Vote: 5-0-0.**

12 Lawton Lane (lot 14), DEP #157-450, Partial Certificate of Compliance

Motion was made by Eric Nelson to issue a Partial Certificate of Compliance for DEP #157-450, for Lot 14 ONLY; seconded by Allan Curtis. **Vote: 5-0-0**

Commission Rental Properties

Jane reported that the Groves family will be the new tenants at 89 North Street. The Commission did not receive a signed lease or deposit within the specified five day period for the Spring Street property's lease, so that property will not have a new tenant at this time. The current tenant has not yet moved out, as required. If they have not moved out by the end of June, Jane will speak to Mr. Paicos when he returns to ask for his guidance on how to proceed.

Meeting Adjourned

Motion was made by Valerie Marshall to adjourn; seconded by Allan Curtis. **Vote: 5-0-0**

The meeting adjourned at 8:56 p.m.

Respectfully submitted,

Eric Nelson, Clerk

Draft minutes submitted by Lee Ann Tavares: 12/11/13

Reviewed by Jane Sears Pierce: 1/8/14

Approved by Commission: 1/27/14

Documents, Not Referenced Above, Reviewed During Meeting

Attached Documents:

1. Agenda, June 17, 2013
2. Meeting Sign In Sheet

Location of Other Documents:

3. Manager's Report, filed in Manager's Report binder in Conservation Commission's office.
4. Referenced projects' documents: please see Conservation Commission's project file